IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8473 OF 2006

Sou.Prabhawati Popatrao Ghule ..Petitioner.

V/s.

The Commissioner, Pune Municipal Corporation & Anr. ..Respondents.

Mr.P.M.Arjunwadkar with Mr.G.S.Godbole for petitioner.

CORAM : J.P.DEVADHAR, J.

DATED : 31ST OCTOBER, 2007.

P.C. :-

This Writ Petition is filed against the order dated 22nd January, 2003 passed by the Civil Judge,J.D. Pune in Regular Civil Suit No.474 of 2002 and also the order passed by the 2nd Additional District Judge, Pune dated 31st July, 2006 in Misc. Civil Appeal No.48 of 2003 whereby the application for temporary injunction made by the petitioner has been rejected inter alia on the ground that the petitioner has constructed the loft unauthorisedly and without the permission of the Municipal Corporation. There is no material on record to suggest that the construction is authorised. In view of the concurrent finding of fact given by both the Courts below, I see no merit in the petition and accordingly the same is

dismissed.

2. However, it is clarified that the observations made herein as well as both the Courts below are prima facie observation.

3. The Petitioner claims to have made an application for regularisation of the construction in question on 18th August, 2006 which is pending before the respondent No.2. The respondent No.2 is directed to dispose of the said application in accordance with law as expeditiously as possible.

(J.P. DEVADHAR, J.)